

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DRAKE L. WILLIS, ID # 1575130,)
Plaintiff,)
vs.) **No. 3:12-CV-3586-O-BH**
)
SHAROCKLYN NISHAY SHELTON, et al.,)
Defendants.)

ORDER

Pursuant to Special Order No. 3-251, this case has been automatically referred for pretrial management screening. Before the Court is the plaintiff's letter seeking to "vacate or make void" his complaint dated on September 4, 2012, received September 12, 2012 (doc. 7).

Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure provides that a plaintiff may dismiss his action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. No defendant has filed an answer or a summary judgment motion in this case.¹ The plaintiff's letter is therefore liberally construed as a notice of voluntary dismissal of his claims against the defendants without prejudice as provided by Rule 41(a)(1)(A)(i), and the case shall be closed pursuant to this notice.

SO ORDERED this 14th day of September, 2012.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ On September 5, 2012, one day after the date of the plaintiff's letter, it was recommended as a result of the judicial screening process under 28 U.S.C. § 1915(e)(2)(b) that this action be dismissed for failure to state a claim upon which relief may be granted. The fourteen-day period for objecting to the recommendation has not yet elapsed.